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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/699,400	Applicant(s) DELANDRO ET AL.	
	Examiner Kevin Bates	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-61, 63-82, 84-88, 90-93 and 95-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-61, 63-82, 84-88, 90-93 and 95-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to a communication made on June 24, 2004.

Claims 48-61, 63-76, 77-82, 84-88, 90-93, and 95-100.

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 48-49, 57-61, 63-64, 72-76, 92, and 98 are rejected under 35

U.S.C. 102(e) as being anticipated by Nierlich (6519509)

Regarding claims 48, 63, 92, and 98, Nierlich discloses a method of integrating a software system over a network, comprising: (a) receiving an order for a software system from a user for a user system at a server over the network (Column 5, lines 31 – 33); (b) configuring the user system over the network (Column 5, lines 39 – 45; Column 6, lines 58 – 60); and (c) installing the software system on the user system over the network (Column 5, lines 45 – 46); and wherein the software system comprises a power control system (Column 3, lines 26 – 30).

Regarding claims 49, 64, and 93, Nierlich discloses that the network comprises the Internet (Column 3, lines 9 – 12; lines 22 – 26).

Regarding claims 57 and 72, Nierlich discloses that starting up operation of the software system over the network (Column 5, lines 31 – 56), and wherein the starting up operation of the software system over the network comprises a step of (bb) configuring user devices over the network to support the software system (Column 5, lines 40 – 59) and testing the software system on the user system (Column 6, lines 50 – 52; lines 58 – 65; Column 10, lines 17 – 22).

Regarding claims 58 and 73, Nierlich discloses the step of (cc) supporting the software system on the user system over the network after start up (Column 5, line 63 – Column 6, line 6).

Regarding claims 59 and 74, Nierlich discloses the step of (dd) starting up operation of the software system over the network (Column 5, lines 31 – 56).

Regarding claims 60, 61, 75, and 76, Nierlich discloses that the user system comprises at least one of a personal computer, a mainframe, and a network (Column 3, lines 27 – 30; lines 1 – 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50-53, 65-68, 78-82, 84-88, 90-91, 95, 97, and 99-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nierlich in view of Anderson (6578142).

Regarding claims 50 and 65, Nierlich does not explicitly indicate the steps of: (d) transmitting the order for a software system to a development facility; and (e) receiving at least one software application for the software system from the development facility. Anderson teaches a system of initializing software applications on a computer and the steps of (d) transmitting the order for a software system to a development facility (Column 3, line 64 – Column 4, line 3); and (e) receiving at least one software application for the software system from the development facility (Column 5, lines 33 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Anderson's teaching on Nierlich's remote installation of a power management control system in order to give the user more control over what items are going to be placed based on the configuration of the user system (Column 5, lines 21 – 38).

Regarding claims 51 and 66, Nierlich in combination with Anderson discloses a step of (f) developing at least one software application for the software system (Anderson, Column 5, lines 33 - 38).

Regarding claims 52, and 67, Nierlich in combination with Anderson discloses the step of (g) testing the at least one software application (Nierlich, Column 10, lines 17 – 22).

Regarding claim 53 and 68, Nierlich in combination with Anderson discloses the step of (h) developing at least one software application for the software system (Anderson, Column 5, lines 33 - 38), wherein developing the at least one software application comprises the steps of: (i) receiving user information over the network

(Anderson, Column 5, lines 14 - 17); (j) preparing a project design for the software application based on the user information (Anderson, Column 5, lines 26 - 30); (k) transmitting the project design to the user over the network (Anderson, Column 5, lines 25 - 26); (l) receiving user feedback over the network; and (m) revising the project design until the user feedback does not contain change requests (Anderson, Column 5, lines 33 - 38).

Regarding claims 78, 84, and 99, Nierlich in combination with Anderson discloses a method of integrating a software system over a network comprising: (a) receiving user information over the network (Anderson, Column 5, lines 14 - 17); (b) creating at least one software application based on at least the received user information (Anderson, Column 5, lines 26 - 30); (c) configuring a user system over the network (Anderson, Column 5, lines 11 - 21); (d) downloading the at least one software application to the user system (Anderson, Column 3, lines 57 - 64); (e) configuring user devices over the network to support the at least one software application (Nierlich, Column 5, lines 5 - 17; Column 5, lines 54 - 60); (f) testing the at least one software application over the network (Nierlich, Column 10, lines 17 - 22); and wherein the software system comprises a power control system (Nierlich, Column 3, lines 26 - 30).

Regarding claims 79, 80, 81, 82, 85, 86, 87, and 88, Nierlich discloses that the user system comprises at least one of a personal computer, a mainframe, and a network (Column 3, lines 27 - 30; lines 1 - 8).

Regarding claims 90, 91, and 100, Nierlich in combination with Anderson discloses a method of integrating a software system over a network, comprising: (a)

receiving an order for a software system from a user at a server over the network (Anderson, Column 3, lines 49 – 55; Column 9, lines 9 – 11; Nierlich, Column 5, lines 31 – 33)); (b) transmitting the order for a software system to a development facility (Anderson, Column 3, line 64 – Column 4, line 3); (c) receiving at least one software application for the software system from the development facility (Anderson, Column 5, lines 33 – 38); (d) installing the software system on a user system over the network (Anderson, Column 3, lines 57 - 64); and (e) starting up operation of the software system over the network (Anderson, Column 3, lines 48 – 56); and wherein the software system comprises a power control system (Nierlich, Column 3, lines 26 – 30).

Regarding claim 95, Nierlich in combination with Anderson discloses a software development module configured to develop software over the network (Anderson, Column 5, lines 33 - 38).

Regarding claim 97, Nierlich in combination with Anderson discloses a supplier link module configured to create supplier links for ordering material over the network (Anderson, Column 5, lines 33 – 38).

Claims 54, 56, 69, 71, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nierlich in view of Anderson as applied to claim 50-53, 65-68, 78-82, 84-88, 90-91, 95, 97, and 99-100 above, and further in view of Kekic (6272537).

Regarding claim 54 and 69, Nierlich in combination with Anderson discloses the steps of (n) developing at least one software application (Anderson, Column 5, lines 33 – 38); (o) creating supplier links for ordering material over the network (Anderson,

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Column 5, lines 36 – 38); but does not explicitly indicate the steps of (p) customizing a screen design for the software system over the network; and (q) integrating the at least one software application, the supplier links and the screen design for the application to produce an integrated software system. Kekic teaches customizing a screen design for the software system over the network (Column 5, lines 36 – 39; Column 8, lines 42 – 49; Column 9, lines 4 – 8). It would have been obvious to one of ordinary skill in the art to include Kekic's screen design system if a screen design needed to be added to the combination of Neirlich and Anderson's computer system if the system to allow a user interface that is configured to have the elements of the system network hardware add software applications (Column 5, lines 25 – 30; 52 – 56). The combination would lead to the integrating of at least one software application, the supplier links and the screen design for the application to produce an integrated software system because it would have been determined together (Anderson, Column 5, lines 14 – 17) and combined to provide the additional content to the user system (Anderson, Column 5, lines 17 – 21).

Regarding claims 56 and 71, the combination of Neirlich and Anderson in view of Kekic discloses that installing the software system on a user system over the network comprises the steps of: (z) installing human machine interface software (Kekic, Column 9, lines 4 – 8) and the at least one software application onto the user system over the network (Anderson, Column 3, lines 57 – 59); and (aa) transferring the integrated application from a development system to the user system over the network (Anderson, Column 5, lines 14 – 21).

Regarding claim 96, the combination of Neirlich and Anderson in view of Kekic teaches a screen design module configured to customize a screen design over the network (Column 5, lines 36 – 39; Column 8, lines 42 – 49; Column 9, lines 4 – 8).

Claims 55 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nierlich in view of Anderson, and in further view of Kekic as applied to claims 54, 56, 69, 71, and 96 above, and further in view of Murphy (5768148).

Regarding claims 55 and 70, the combination of Neirlich and Anderson in view of Kekic discloses that customizing a screen design comprises at least one of the steps of: (r) creating a new human machine interface project (Kekic, Column 5, lines 36 – 39); (s) starting up a configuration application over the network (Kekic, Column 6, lines 22 – 25); (t) adding devices using the configuration application (Kekic, Column 7, lines 2 – 11; Column 38, lines 19 - 21); (u) adding trend points to a historical database (Kekic, Column 28, lines 3 – 13); (v) creating a one line diagram screen (Kekic, Column 32, lines 48 – 55); (w) creating trend and tabular screens for each device (Kekic, Figure 6A and 6B; Column 27, line 66 – Column 28, line 13); (x) setting passwords for each user (Kekic, Column 54, lines 15 – 22); but Anderson in view of Kekic does not explicitly indicate the step of (y) testing the screen design with a dynamic data exchange simulator to ensure functionality. Murphy teaches a dynamic data exchange simulator that has the purpose of testing a server system to ensure the correct operation of the system and its communication functions (Column 6, lines 46 – 64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a dynamic data exchange simulator Anderson in view of Kekic's system in order to test

their server system to provide a more stable test system for the system because it does not involve the network elements (Column 6, lines 48 – 51).

Response to Arguments

Applicant's arguments with respect to claims 48-61, 63-76, 77-82, 84-88, 90-93, and 95-100 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
September 22, 2004


HOSAIN ALAM
PATENT EXAMINER